

THE COMMONWEALTH OF MASSACHUSETTS

March 31, 2009

WORCESTER, ss. To either of the Constables of the Town of Upton in the County of Worcester:

GREETINGS:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in Elections and in Town affairs, to meet in the Auditorium at the Nipmuc Regional Middle/High School, in Upton on Tuesday, the Thirty-first day of March 2009, at Seven Thirty o'clock in the evening, then and there to act on the following Articles:

ARTICLE 1: To see if the Town will vote to transfer the sum of One hundred forty-two dollars and eight cents (\$142.08), from the Community Preservation Act Reserved Fund Balance Undesignated FY2005, to the Recreation-Irrigation System Account, as requested by the DOR, or, to take any other action relative thereto.

ARTICLE 2: To see if the Town will vote to transfer a total of Thirty-five thousand three hundred fourteen dollars and fifty-two cents (\$35,314.52) from the "Prior Year Appropriations Account Balances" as follows: 02-171-5200-5301 for \$702.24, 02-221-5800-5890 for \$339.28, and 02-241-5200-5241 for \$34,273.00, to the General Stabilization Fund Account or, to take any other action relative thereto.

ARTICLE 3: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the treasury, or transfer, or borrow, the sum of Ten thousand dollars (\$10,000.00), or any other sum, for the purpose of a supplemental appropriation to the DPW – Wages Account, (01-421-5100-5100), for "the cost of overtime compensation", or, to take any other action relative thereto.

ARTICLE 4: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the treasury, or transfer, or borrow, the sum of Fifty thousand dollars (\$50,000.00), or any other sum, for a supplemental appropriation to the DPW Water Maintenance Account, # 01-450-5400-5532, for the remainder of FY09, due to the increased cost of required chemicals, or, to take any other action relative thereto.

ARTICLE 5: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the Treasury, or transfer, or borrow the sum of, One thousand two hundred dollars (\$1,200.00), or any other sum, from “free cash” to the Elections and Town Meetings Account, or, to take any other action relative thereto.

ARTICLE 6: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the treasury, or transfer, or borrow, the sum of Twelve thousand nine hundred twenty-four dollars (\$12,924.00), or any other sum, for the purpose of making payment for “Aged Invoices” from Tata & Howard Incorporated, the Towns Water Engineering Firm, for the following aged invoices: T&H Job No. 1293-01 for \$6,728.02, T&H Job No. 1412-06 for \$5,304.60, and T&H Job No. 1412-01 for \$891.38, or, to take any other action relative thereto.

ARTICLE 7: To see if the Town will vote to appropriate, appropriate from available unappropriated funds in the treasury, or transfer, or borrow, the sum of Five thousand dollars (\$5,000.00), or any other sum, for the purpose of making payment back to the Finance Committee Reserve Fund, Account # 01-132-5700-5781, for funding used to respond to MassDEP for the Third Water Source permitting process, or, to take any other action relative thereto.

ARTICLE 8: To see if the Town of Upton will vote to revoke (effective Fiscal Year 2010) article 8 of the special town meeting held March 20, 2003 and reject sections 3 to 7, inclusive, of Chapter 44B of the General Laws, as summarized herein; Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act, establish a dedicated funding source to acquire and preserve land for parks and recreation, open space, and protection of public drinking water supplies, to restore and preserve historic properties, to protect farm land and forests from future development, and to help meet the housing needs of low income families and moderate income seniors. In Upton, the Community Preservation Act is funded by a surcharge of 3% on the annual property tax assessed on real property and by matching funds provided by the state. The additional surcharge excludes the first \$100,000 of value of each parcel of residential real property and was implemented starting in the 2004 fiscal year. A taxpayer receiving a regular property tax abatement or exemption also received a pro rata reduction in the surcharge. A Community Preservation Committee composed of local citizens makes recommendations on the use of the funds, and all expenditures require a vote of Town Meeting and are subject to an annual audit, or, to take any other action relative thereto.

And you are directed to serve this Warrant, by posting up attested copies thereof at the U.S. Post Office, Town Library and Town Hall, in said Town fourteen days (14) at least before the time of holding said Meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this Twelfth day of March in the year of our lord Two thousand nine.

UPTON BOARD OF SELECTMEN

Robert J. Fleming, Chairman

Kenneth E. Picard, Member

Michael E. Goodwin, Member

A true copy, Attest:

Constable

Date: March 13, 2009

Constable Attest Page

Worcester, ss.

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Upton by posting up attested copies of the same at the Town Hall Building, Library Building, and the Upton U.S. Post Office at least fourteen days (14), before the date of the meeting, as within directed.

Constable of Upton